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UNITED STATES DISTRICT COURT

NORTHERN DIVISION OF CALIFORNIA

JOHN TEIXEIRA, STEVE NOBRIGA,
GARY GAMAZA, CALGUNS
FOUNDATION (CGF), INC., SECOND
AMENDMENT FOUNDATION (SAF), INC.,
and CALIFORNIA ASSOCIATION OF
FEDERAL FIREARMS LICENSEES (Cal-
FFL).

Case No.: CV12-3288 KAW

DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS

DATE: October 18, 2012
TIME: 11:00 a.m.
DEPARTMENT: Ctrm 4, 3rd Floor

Plaintiffs,

v.

COUNTY OF ALAMEDA, ALAMEDA
BOARD OF SUPERVISORS (as a policy
making body), WILMA CHAN in her official
capacity, NATE MILEY in his official
capacity, and KEITH CARSON in his official
capacity,

Defendants.

NOTICE IS HEREBY GIVEN that at on October 18, 2012 at 11:00 a.m. in Courtroom 4 of the above-entitled court located at 1301 Clay Street, Oakland, California 94612, Defendants County of Alameda, Alameda Board of Supervisors, Wilma Chan, Nate Miley and Keith Carson, in their official capacities, will move the Court to dismiss Plaintiffs' Complaint for Damages, Injunctive Relief and/or Declaratory Judgment ("Complaint") in its entirety as against these Defendants.

The Motion to Dismiss will be based on the grounds that Plaintiffs are collaterally estopped from asserting each cause of action or Claim for Relief in the Complaint and each Claim for Relief fails to allege sufficient facts to support a cognizable cause of action against these Defendants.

The Motion to Dismiss will be based on this Notice of Motion, the Memorandum of Points and Authorities, the Request for Judicial Notice, and the Declaration of Mary Ellyn Gormley, and attached Exhibits, all of which are filed and served herewith. The Motion also will be based on the Court's file herein, and on such oral argument and such additional evidence as may be presented at or before the hearing on the Motion.

DATED: September 26, 2012 DONNA R. ZIEGLER,
County Counsel, County of Alameda

By /s/ *Mary Elynn Gormley*
MARY ELYNN GORMLEY
Assistant County Counsel

Attorneys for County of Alameda,
Alameda Board of Supervisors, Wilma
Chan, Nate Miley and Keith Carson